

**STATEMENT OF EMERGENCY**  
**201 KAR 12:082E**

During its 2018 regular session, the General Assembly passed House Bill 260, which amended provisions of the statutory scheme that regulates cosmetology, nail technology, and esthetics. Specifically, House Bill 260 amended KRS 317A.050 to reduce the total required hours of instruction for nail technician and esthetician students to be eligible for licensure; from 600 to 450 hours for nail technicians, and from 1,000 to 750 hours for estheticians. Additionally, House Bill 260 reduced the required hours of instruction for an apprentice instructor license from 1,000 to 750 hours. Due to its emergency provision, House Bill 260 became effective upon my signature, March 30, 2018. This emergency amendment is required to amend 201 KAR 12:082 to conform to the newly amended KRS 317A.050 and KRS 317A.090. See KRS 13A.190(1)(a)(3). In its current form, 201 KAR 12:082 still requires licensed schools to offer curricula based on the higher amount of instructional hours. Licensed schools in Kentucky will begin enrolling students into programs based on the amended statutes but without any modified curricula in the corresponding administrative regulation. An emergency amendment to this administrative regulation will ensure that the regulatory scheme conforms to the current statutory provisions. It will also ensure that the accreditation of licensed schools is not jeopardized due to noncompliance with the current regulatory requirement, and will provide certainty to all licensed schools and prospective students. This emergency amendment to the administrative regulation shall be replaced by an ordinary amendment to be concurrently filed with the Regulations Compiler. The ordinary amendment is not identical to this emergency amendment. In addition to the reduction in instructional hours, the ordinary amendment also updates other aspects of course curriculum and eliminates unnecessary and duplicative language in the existing administrative regulation, consistent with the Red Tape Reduction Initiative. These matters fall outside the scope of an emergency amendment.

MATTHEW G. BEVIN, Governor  
R. KAY SWANNER, Chair

**GENERAL GOVERNMENT CABINET**  
**Kentucky Board of Cosmetology**  
**(Emergency Amendment)**

**201 KAR 12:082E. Education requirements and school administration.**

RELATES TO: KRS 317A.020, 317A.050, 317A.090[, 317B.015, 317B.025]

STATUTORY AUTHORITY: KRS 317A.060, 317A.090[, 317B.020]

EFFECTIVE: April 13, 2018

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.060(1)(h)[(2)(e)] requires the board to promulgate administrative regulations governing the hours and courses of instruction at schools of cosmetology, esthetics, and nail technology. ~~KRS 317B.020(3)(i) authorizes the board to promulgate administrative regulations including the hours and courses of instruction in esthetic practices].~~ KRS 317A.090 establishes licensing[the] requirements for schools of cosmetology, esthetics, and nail technology. This administrative regulation establishes requirements for the hours and courses of instruction, reporting, education requirements, and administrative functions required for students and faculty for schools of cosmetology, esthetics, and nail technology.

Section 1. Subject Areas. The regular courses of instruction for cosmetology students shall contain courses relating to the subject areas identified in this section.

- (1) Basics:
  - (a) History and Career Opportunities;
  - (b) Life Skills;
  - (c) Professional Image; and
  - (d) Communications.
- (2) General Sciences:
  - (a) Infection Control: Principles and Practices;
  - (b) General Anatomy and Physiology;
  - (c) Skin Structure, Growth, and Nutrition;
  - (d) Skin Disorders and Diseases;
  - (e) Properties of the Hair and Scalp;
  - (f) Basic Chemistry; and
  - (g) Basics of Electricity.
- (3) Hair Care:
  - (a) Principles of Hair Design;
  - (b) Scalp Care, Shampooing, and Conditioning;
  - (c) Hair Cutting;
  - (d) Hair Styling;
  - (e) Braiding and Braid Extensions;
  - (f) Wig and Hair Additions;
  - (g) Chemical Texture Services; and
  - (h) Hair Coloring.
- (4) Skin Care:
  - (a) Hair Removal;
  - (b) Facials; and
  - (c) Facial Makeup.
- (5) Nails:
  - (a) Manicuring;
  - (b) Pedicuring;
  - (c) Nail Tips and Wraps;
  - (d) Monomer Liquid and Polymer Powder Nail Enhancements; and
  - (e) Light Cured Gels.
- (6) Business Skills:
  - (a) Preparation for Licensure and Employment;
  - (b) On the Job Professionalism; and
  - (c) Salon Businesses.

Section 2. A school of cosmetology shall teach the students about the various supplies and equipment used in the usual salon practices.

Section 3. (1) A cosmetology student shall receive not less than 1,500 hours in clinical class work and scientific lectures with a minimum of:

- (a) 375 lecture hours for science and theory;
  - (b) 1,085 clinic and practice hours; and
  - (c) Forty (40) hours on the subject of applicable Kentucky statutes and administrative regulations.
- (2) A cosmetology student shall not perform chemical services on the public until the student

has completed a minimum of 250 hours of instruction.

Section 4. Training Period for Cosmetology Students, Nail Technician Students, Esthetician Students, and Apprentice Instructors. (1) A training period for a student shall be no more than eight (8) hours per day, forty (40) hours per week.

(2) A student shall be allowed thirty (30) minutes per eight (8) hour day for meals or a rest break. This thirty (30) minute period shall not be credited toward a student's instructional hours requirement.

Section 5. Laws and Regulations. At least one (1) hour per week shall be devoted to the teaching and explanation of the Kentucky law as set forth in KRS Chapter 317A~~[-317B,]~~ and 201 KAR Chapter 12.

Section 6. Nail Technician Curriculum. The nail technician course of instruction shall include the following:

- (1) Basics:
  - (a) History and Opportunities;
  - (b) Life Skills;
  - (c) Professional Image; and
  - (d) Communications.
- (2) General Sciences:
  - (a) Infection Control: Principles and Practices;
  - (b) General Anatomy and Physiology;
  - (c) Skin Structure and Growth;
  - (d) Nail Structure and Growth;
  - (e) Nail Diseases and Disorders;
  - (f) Basics of Chemistry;
  - (g) Nail Product Chemistry; and
  - (h) Basics of Electricity.
- (3) Nail Care:
  - (a) Manicuring;
  - (b) Pedicuring;
  - (c) Electric Filing;
  - (d) Nail Tips and Wraps;
  - (e) Monomer Liquid and Polymer Powder Nail Enhancements;
  - (f) UV and LED Gels; and
  - (g) Creative Touch.
- (4) Business Skills:
  - (a) Seeking Employment;
  - (b) On the Job Professionalism; and
  - (c) Salon Businesses.

Section 7. Nail Technology Hours Required. (1) A nail technician student shall receive no less than ~~450~~~~[600]~~ hours in clinical and theory class work with a minimum of:

- (a) ~~150~~~~[240]~~ lecture hours for science and theory;
  - (b) Twenty-five (25) hours on the subject of applicable Kentucky statutes and administrative regulations; and
  - (c) ~~275~~~~[365]~~ clinic and practice hours.
- (2) A nail technician student shall have completed sixty (60)~~[eighty (80)]~~ hours in clinical and

related theory class before working on and providing services to the general public. Clinical practice shall be performed on other students or mannequins during the first sixty (60)~~eighty (80)~~ hours.

Section 8. Apprentice~~Cosmetology~~ Instructor Curriculum. The course of instruction for an apprentice~~cosmetology~~ instructor shall include no less than 750~~1,000~~ hours, 425 hours of which shall be in direct contact with students, in the following:

- (1) Orientation;
- (2) Psychology of student training;
- (3) Introduction to teaching;
- (4) Good grooming and professional development;
- (5) Course outlining and development;
- (6) Lesson planning;
- (7) Teaching techniques (methods);
- (8) Teaching aids, audio-visual techniques;
- (9) Demonstration techniques;
- (10) Examinations and analysis;
- (11) Classroom management;
- (12) Recordkeeping;
- (13) Teaching observation;
- (14) Teacher assistant; and
- (15) Pupil teaching (practice teaching).

Section 9. An apprentice instructor shall be under the immediate supervision and instruction of a licensed instructor during the school day. An apprentice instructor shall not assume the duties and responsibilities of a licensed supervising instructor.

Section 10. Schools may enroll persons for a special brush-up course in any subject.

Section 11. Esthetician Curriculum. The regular course of instruction for esthetician students shall consist of courses relating to the subject areas identified in this section.

- (1) Basics:
  - (a) History and Career Opportunities;
  - (b) Professional Image; and
  - (c) Communication.
- (2) General Sciences:
  - (a) Infection Control: Principles and Practices;
  - (b) General Anatomy and Physiology;
  - (c) Basics of Chemistry;
  - (d) Basics of Electricity; and
  - (e) Basics of Nutrition.
- (3) Skin Sciences:
  - (a) Physiology and Histology of the Skin;
  - (b) Disorders and Diseases of the Skin;
  - (c) Skin Analysis; and
  - (d) Skin Care Products: Chemistry, Ingredients, and Selection.
- (4) Esthetics:
  - (a) Treatment Room;
  - (b) Basic Facials;

- (c) Facial Message;
- (d) Facial Machines;
- (e) Hair Removal;
- (f) Advanced Topics and Treatments; and
- (g) Makeup.
- (5) Business Skills:
  - (a) Career Planning;
  - (b) The Skin Care Business; and
  - (c) Selling Products and Services.

Section 12. Esthetician Hours Required. (1) An esthetician student shall receive no less than 750~~[4,000]~~ hours in clinical and theory class work with a minimum of:

- (a) 250~~[365]~~ lecture hours for science and theory;
  - (b) Thirty-five (35) hours on the subject of applicable Kentucky statutes and administrative regulations; and
  - (c) 465~~[600]~~ clinic and practice hours.
- (2) An esthetician student shall have completed 115~~[450]~~ hours in clinical and related theory class before providing services to the general public. Clinical practice shall be performed on other students or mannequins during the first 115~~[450]~~ hours.

Section 13. Extracurricular Events. Each cosmetology, nail technician, and esthetician student shall be allowed up to sixteen (16) hours for field trip activities pertaining to the profession of study, sixteen (16) hours for attending educational programs, and sixteen (16) hours for charitable activities relating to the field of study, totaling not more than forty-eight (48) hours and not to exceed eight (8) hours per day. Attendance or participation shall be reported to the board within ten (10) business days of the field trip, education show, or charitable event on the Certification of Student Extracurricular Event Hours form.

Section 14. Student Records. Each school shall:

- (1) Maintain a daily attendance record for all full-time students, part-time students, and apprentice instructors;
- (2) Keep a record of each student's practical work and work performed on clinic patrons;
- (3) Maintain a detailed record of all student enrollments, withdrawals, and dismissals for a period of five (5) years; and
- (4) Make records required by this Section available to the board and its employees upon request.

Section 15. Certification of Hours. (1) Schools shall forward to the board digital certification of a student's hours completed within ten (10) business days of a student's withdrawal, dismissal, completion, or the closure of the cosmetology school.

(2) No later than the 10th day of each month, a cosmetology school shall submit to the board via electronic delivery a certification of each student's total hours obtained for the previous month and the total accumulated hours to date for all students enrolled. Amended reports shall not be accepted by the board without satisfactory proof of error. Satisfactory proof of error shall require, at a minimum, a statement signed by the school manager certifying the error and the corrected report.

Section 16. No Additional Fees. Schools shall not charge students additional fees beyond the contracted amount.

Section 17. Instructor Licensing and Responsibilities. (1) A person employed by a cosmetology school for the purpose of teaching or instruction shall be licensed by the board as a cosmetologist instructor and shall post his or her license as required in 201 KAR 12:060.

(2) A licensed instructor or apprentice instructor shall supervise all students during a class or practical student work.

(3) An instructor or apprentice instructor shall render services only incidental to and for the purpose of instruction.

(4) Cosmetology schools shall not permit an instructor to perform cosmetology services in the school for compensation during school hours.

(5) An instructor shall not permit students to instruct or teach other students in the instructor's absence.

(6) Except as provided in subsection (7) of this section, schools may not permit a demonstrator to teach in a school of cosmetology.

(7) A properly qualified, licensed individual may demonstrate a new process, preparation, or appliance in the presence of a licensed instructor in a licensed school.

Section 18. School Patrons. All services rendered in a cosmetology school to the public shall be performed by students. Instructors may teach and aid the students in performing the various services.

Section 19. Enrollment. (1) Any person enrolling in a school for a cosmetology, nail technician, or esthetics course shall furnish proof that the applicant has:

(a) A high school diploma,

(b) A General Educational Development (GED) diploma; or

(c) Results from the Test for Adult Basic Education indicating a score equivalent to the successful completion of the twelfth grade of high school.

(2) The applicant shall provide with the enrollment a passport photograph taken within thirty (30) days of submission of the application.

(3) A student enrolling in a school of cosmetology who desires to transfer hours from an out of state cosmetology school shall, prior to enrollment, provide to the board certification from the state agency that governs the out of state cosmetology school the credit hours obtained in that state.

(4) If the applicant is enrolled in a board approved cosmetology program at an approved Kentucky high school, the diploma, GED, or equivalency requirement of this Section is not necessary until examination.

Section 20. Certificate of Enrollment. Schools shall submit to the board the student's digital enrollment, accompanied by the applicant's proof of education, as established in Section 19 of this administrative regulation, within ten (10) business days of enrollment.

Section 21. Student Compensation. Schools shall not pay a student a salary or commission while the student is enrolled at the school.

Section 22. Transfer. A student desiring to transfer to another cosmetology school shall:

(1) Notify the school in which the student is presently enrolled of the student's withdrawal; and

(2) Complete a digital enrollment as required for the new school.

Section 23. Refund Policy. A school shall include the school's refund policy in school-student contracts.

Section 24. Student Complaints. A student may file a complaint with the board concerning the school in which the student is enrolled, by following the procedures outlined in 201 KAR 12:060.

Section 25. Student Leave of Absence. The school shall report a student's leave of absence to the board within ten (10) business days. The leave shall be reported:

- (1) In writing from the student to the school; and
- (2) Clearly denote the beginning and end dates for the leave of absence.

Section 26. Student Withdrawal. Within ten (10) business days from a student's withdrawal, a cosmetology school shall report the name of the withdrawing student to the board.

Section 27. Laws and Regulation Material. A cosmetology school shall provide an informational copy of KRS Chapter 317A and~~[317B, and]~~ 201 KAR Chapter 12 to each student upon enrollment.

Section 28. Credit for hours completed. The board shall credit hours previously completed in a licensed school of cosmetology as follows:

- (1) Full credit (hour for hour) for hours completed within five (5) years of the date of school enrollment; and
- (2) No credit for hours completed five (5) or more years from the date of school enrollment.

Section 29. Incorporation by Reference. (1) "Certification of Student Extracurricular Event Hours", September 2017 is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky[State] Board of Cosmetology~~[Hairdressers and Cosmetologists]~~, 111 St. James Court, Suite A, Frankfort Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

R. KAY SWANNER, Board Chair

APPROVED BY AGENCY: April 6, 2018

FILED WITH LRC: April 13, 2018 at 9 a.m.

CONTACT PERSON: Julie M. Campbell, Board Administrator, 111 St. James Ct. Ste A. Frankfort, Kentucky 40601, (502) 564-4262, email [julie.campbell@ky.gov](mailto:julie.campbell@ky.gov), fax: (502) 564-0481.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Julie M. Campbell

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for the hours and courses of instruction, reporting, education requirements, and administrative functions for licensed schools of cosmetology, esthetics, and nail technology in Kentucky.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure standardized cosmetology education that complies with authorizing state statutes.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This amendment conforms the administrative regulation with a recent statutory amendment to KRS 317A.050 and KRS 317A.090 contained in House Bill 260. Those statutory amendments reduced the instructional hours required for nail technicians and estheticians to be licensed in Kentucky.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation outlines and defines education standards and the quantity of course hours required to meet the education standards necessary for licensing in Kentucky.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment will revise the current nail technician and esthetician curriculum to comport with the recent amendments to KRS 317A.050 and 317A.090 contained in House Bill 260, which took effect on March 30, 2018.

(b) The necessity of the amendment to this administrative regulation: This amendment is required to comply with House Bill 260, which amended KRS 317A.050 and 317A.090 to reduce the number of instructional hours necessary to be licensed as a nail technician or esthetician in Kentucky. This amendment will conform the administrative regulation to these newly amended statutes.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment provides educational curriculum guidelines based on the statutory amendments in House Bill 260 reducing the instructional hours for nail technicians and estheticians to be licensed in Kentucky.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will provide a regulatory scheme for licensed schools that complies with governing statutes.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are 62 licensed schools and approximately 10,000 students affected by this amendment.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This amendment is necessary to ensure that licensed cosmetology schools are provided the regulatory guidance to develop curriculum that complies with current law. Additionally, this amendment assists schools in maintaining their current accreditation by national accrediting organizations.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no anticipated cost to licensed schools because of this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment enables licensed schools to enroll students into programs based upon the statutorily adjusted curriculum requirements of House Bill 260. Kentucky's regulatory scheme for licenses will fully comply with its authorizing statutes, and be more closely aligned with similar licensing schemes of other states.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No additional funds are necessary initially to implement this amendment.

(b) On a continuing basis: No additional funds are necessary on an ongoing basis to imple-

ment this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: All Kentucky Board of Cosmetology funding comes from fees collected from licensees and applicants. Current funding will not change as a result of this amendment.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No change or increase in fees is anticipated as a result of this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are created or increased directly or indirectly by this amendment.

(9) TIERING: Is tiering applied? Tiering is not applied as the requirements of this amendment apply equally to all cosmetology schools and students.

### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Cosmetology.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 317A.050 and KRS 317A.060.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There is no anticipated effect upon state or local government agencies resulting from the amendment.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated by this amendment in the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated by this amendment in subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no additional cost from this amendment in the first year. Existing costs for administering curriculum for licensed cosmetology schools are expected to remain the same.

(d) How much will it cost to administer this program for subsequent years? There will be no additional cost from this amendment. Existing costs for administering curriculum for licensed cosmetology schools are expected to remain the same.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Not applicable.

Expenditures (+/-): Not applicable.

Other Explanation: Not applicable.